

Serial No.: 09/704,888
Group Art Unit: 2133

REMARKS

Election/Restrictions

The Examiner acknowledged Applicant's election without traverse of Claims 1-14 in the reply filed on 4/2/2005.

Applicants have cancelled non-elected claims 15-35.

Claim Rejections - 35 USC §102

Claims 1-13 are rejected under 35 U.S.C. 102(e) as being anticipated by Ott (US Patent No. 6,182,264, hereinafter "Ott").

Applicants thank the Examiner for the courteous telephone interview of June 6, 2005, and for pointing out of desirable clarifications and necessary changes for incorporating allowable subject matter from claim 3 into claim 1. Claim 1 has been amended pursuant to the telephone interview, to clarify:

1. the transmission point as the transmitter and the destination as the receiver;
2. the deletion of "in transmission"; and
3. the rewriting of claim 3 into claim 1.

Claim 1 has been amended to read as follows, and all the currently presented claims have been amended to directly or indirectly depend from claim 1:

1. A method for determining performance in a network, the method comprising:
transmitting a signal from a transmitter onto a first portion of the network;
receiving the signal at a receiver, wherein receiving the signal at the receiver includes receiving the signal with first errors caused in the first portion of the network;
returning the signal to the transmitter, wherein returning the signal to the transmitter includes returning the signals with second errors caused in a second portion of the network;
correcting errors introduced into the signal from the receiver to the transmitter at the transmitter, correcting the second errors to leave the first errors in the signal;
and
determining the performance of the first portion of the network from the transmitter to the receiver by comparing the signal with the first errors with the signal transmitted at the transmitter to determine the performance of the first portion of the network.

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An additional change was made above to insert "first" (underlined above) in the last element before "portion" because "the portion" lacked an antecedent basis.

Claim 3 has been canceled.

It is respectfully submitted that claims 1-13 are now in condition for allowance.

Conclusion

In view of the above, it is submitted that the claims are in condition for allowance and reconsideration of the rejections is respectfully requested. Allowance of claims 1-2 and 4-13 at an early date is solicited.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including any extension of time fees, to Deposit Account No. 50-0374 and please credit any excess fees to such deposit account.

Respectfully submitted,



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